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10/595,145	05/03/2007	Bo Ekstrom	PI8227-US1	3318
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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024				EXAMINER CHENG, CHI TANG P
			ART UNIT 2463	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/595,145	Applicant(s) EKSTROM ET AL.
	Examiner PETER CHENG	Art Unit 2463

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 November 2011.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
- 4) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) Claim(s) 1-9 is/are pending in the application.
- 5a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 6) Claim(s) _____ is/are allowed.
- 7) Claim(s) 1-9 is/are rejected.
- 8) Claim(s) _____ is/are objected to.
- 9) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 10) The specification is objected to by the Examiner.
- 11) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection, citing the new reference Mazzola.

Claim Objections

1. Claims 1, 5, 8 and 9 are objected to because of the following informalities: the limitation "each extra port is set-up independent if monitoring is requested or not" is not grammatical; Applicant is advised to amend this to read "each extra port is set-up independent [of] if monitoring is requested or not". Appropriate correction is required.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 1, 5, 8 and 9 are objected to because these claims recite the limitation "each extra port is unique to a particular new session". Applicant has stated that support for this feature can be found on page 7, line 20 and in page 8, lines 4-5 of the original specification. These cited portions are quoted below:

"Figure 3 discloses the media-handling node MHN shown in figure 2. The media-handling node can for example be a PSTN gateway used in public switching networks,

a video gateway for video applications or a conference bridge used in 15 multiple party conferences."

"Extra ports are set up in the node MHN for each session that is set up in the node independent of if monitoring is requested or not."

As can be seen, there is no teaching in these portions that "each extra port is unique to a particular new session".

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained through the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,097,798 to Albers et al., in view of U.S. Patent Publication No. 2004/0190689 A1 to Benitez Pelaez et al., further in view of U.S. Patent No. 5,796,732 to Mazzola et al.

2. **As to Claim 5**, Albers discloses an arrangement to monitor media session flow in a telecommunication network comprising a media-handling node (Fig. 1, "Arlington 5ESS" node, whose details are further disclosed in Fig. 2 and col. 8, lines 41-48 and col. 10, lines 15-39, disclosing a "media handling node") through which, sessions between subscribers (Fig. 1, subscriber "126 684-1111" and subscriber "target 112 222-

1111") are transported via first ports and second ports (Fig. 2, "interface module 51", comprising "units 0 ... n" and col. 10, lines 15-19 and 27-39, disclosing that such "units 1 ... n", i.e., first ports and second ports, "terminate lines from subscriber stations", thus disclosing sessions between subscribers are transported via units 1 ... n, i.e., first ports and second ports) comprising:

means for assigning an extra port to the media handling node (Fig. 2 and col. 10, lines 26-58, disclosing that in each "5ess" switch, i.e., the "media handling node", there are interface modules 51 that each comprise a "unit 0" port that connect to an enforcement agency terminal, such "unit 0" port teaching "an extra port", thus using the broadest reasonable interpretation of the claim term "extra port", the disclosed "unit 0" teaches "an extra port" for each session; col. 10 lines 50-58 further discloses that each such "5ess" switch, i.e., the media handling node, comprises a "time-multiplexed switch 57", which together with "TSI" of each interface module 51 "selectively connects the interface units in call connections [i.e., "sessions"]", i.e., the "time-multiplexed switch 57" and the TSI in each interface module collectively disclose such means for "assigning" an extra port to the media handling node, since the "unit 0" port in the interface modules 51 is readily "provid[ed]" as "an interface for the signaling and communication links to an enforcement agency terminal [116]" for all session and such "unit 0" port is utilized when a given session is determined to require monitoring as taught by col. 11, lines 14-20, the above teaching "assigning an extra port to the media handling node") for each new session that is transported through the node (Fig. 2, col. 11, lines 14-20 and col. 10, lines 26-58, teaching that in each "5ess" switch, i.e., the "media handling node", there is

at least one "unit 0" port that is "provided", i.e., "assigned", as the "extra port" for each new session that is in addition to the normal data line of the session, e.g., Fig. 2, 122 and see col. 8, lines 22-59, such "extra port" being used if the session is determined to require monitoring, see col. 8, lines 22-26 and col. 11, 14-20, thus all of the above teaching "assigning an extra port to the media handling node for each new session that is transported through the node");

means (col. 11, lines 14-18 and Fig. 2, "CALEA module processor" in combination with "DATA STORE 58", disclosing means for storing in a database; also Fig. 1, "service control point scp" and "lrn db" and col. 8, lines 10-16, disclosing a database of "local numbers" for rerouting a call to be monitored) for storing in a database (col. 8, lines 23-26, disclosing a "table of target directory numbers" for surveillance in the CALEA module, thus disclosing database), identification of a first subscriber for which monitoring is desired (col. 8, lines 23-26, disclosing a "table of target directory numbers" for surveillance in the CALEA module, thus disclosing database);

means for setting up a connection between the first subscriber and a second subscriber (col. 8, lines 41-46, disclosing the "Arlington 5ESS", i.e., the media handling node, "routes the call to the target telephone 112"; col. 10 lines 50-58 further discloses that each such "5ess" switch, i.e., the media handling node, comprises a "time-multiplexed switch 57", which together with "TSI" of each interface module 51" "selectively connects the interface units in call connections"; thus the "time multiplexed

switch 57" and the "TSI" together disclose means for setting up a connection between the first subscriber and a second subscriber);

means for connect an assigned extra port that is adherent to the session between the first and second subscriber (Fig. 2, "calea module processor", "data store 58 and "program store 56", col. 8, lines 22-59 and col. 11, lines 14-18, disclosing a CALEA module that decides what level of surveillance to apply to a session; Fig. 2 and col. 8, lines 41-48, disclosing the "Arlington 5ESS" switch, i.e., the media handling node, performing surveillance on the session between the first and second subscribers, such switch and components therein disclosing and teaching the claimed "means for connecting"; col. 10, lines 27-39, disclosing performing surveillance at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51; thus all of the above discloses means for connect an assigned extra port that is adherent to the session between the first and second subscriber) and;

means (Fig. 1, "Arlington 5ESS" terminal, whose details are further disclosed in Fig. 2) for monitoring the session between the first and second subscriber via the connected extra port (col. 8, lines 41-49; col. 10, lines 27-39; Fig. 1, disclosing an "FBI" agency terminal attached to the "Arlington 5ESS" media handling node, and disclosing performing surveillance, i.e., "monitoring", at the 5ESS switch by "half-tapping" into a call/session via the extra port "unit 0" in each interface module 51).

Albers does not expressly disclose node of an internet protocol multimedia subsystem domain.

Benitez Pelaez discloses node (paragraphs 9, 50, 56 and 60, Fig. 1, disclosing "media gateway MGW 26", "media gateway controller function MGCF 28", and "call session control function cscf22", all comprising a "media handling node", which also comprises "MGW 26", i.e., "a gateway", each component hereinabove disclosing a "node") of an internet protocol multimedia subsystem domain (paragraphs 9 and 50, Fig. 1, disclosing that the "MGW 26" gateway, and the components situated in "IMS" is in an "internet protocol IP multimedia subsystem" domain).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize the teachings disclosed in Benitez Pelaez, in conjunction with the method as disclosed and taught by Albers. Therefore, Albers and Benitez Pelaez are combinable to teach and disclose "means for assigning an extra port to the media handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node". The suggestion or motivation would have been to provide a more efficient, robust and enriched method of switching programs or channels in interactive systems. (Albers, col. 3, lines 13-35; Benitez Pelaez, paragraphs 1, 6 and 7).

Albers and Benitez Pelaez do not expressly disclose each extra port is unique to a particular new session, and each extra port is set-up independent [of] if monitoring is requested or not.

Mazzola discloses each extra port is unique to a particular new session, and each extra port is set-up independent [of] if monitoring is requested or not. (col. 5, line 49 – col. 6, line 51, disclosing that for each frame, a "unique destination index value

380" is used in forwarding the frame to particular port(s) of a switch, and that such "index 380" is determined based on "the frame's destination address", thus teaching that for frames of the same destination [i.e., frames of a "particular session"], the same "index 380" is determined and associated with such frames; further teaching that "the destination of any frame may be one or more ports located on one or more cards of the switch" and that for a multicast/broadcast frame, the associated "index 380" derived from its destination address maps to a "group of ports", i.e., more than one port of the switch, thus teaching an "extra port"; and since each frame with the same destination address [i.e., in the same "session"] is associated with the same "group of ports" due to the shared destination address, thus further teaching "each extra port is unique to a particular new session"; further see col. 5, lines 61-66, "the destination address ... is compared with the contents of the forwarding table 310 to produce a unique destination index value 380", thus teaching that the same destination address will map to the same "index value 380" [which includes the recited "extra port"], or as is obvious to an ordinary artisan, the same destination address will not map to another, different "index value 380" [or "extra port"], thus further teaching "each extra port is unique to a particular new session"; further note that since determining which "index 380" group of ports is assigned to such frames [i.e., which "extra ports" are assigned to each such frame] is based on the destination address of frames in the session, and not based on whether the frame is to be monitored, the above further teaches "each extra port is set-up independent [of] if monitoring is requested or not", thus teaching this limitation).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to utilize the teachings disclosed in Mazzola, in conjunction with the method as disclosed and taught by Albers and Benitez Pelaez. Therefore, Albers, Mazzola and Benitez Pelaez are combinable to teach and disclose "means for assigning an extra port to the media handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node, each extra port is unique to a particular new session, and each extra port is set-up independent [of] if monitoring is requested or not". The suggestion or motivation would have been to provide a more efficient, robust and enriched method of data and network communications. (Albers, col. 3, lines 13-35; Benitez Pelaez, paragraphs 1, 6 and 7; Mazzola, cols. 1 and 2).

3. **As to Claim 6**, please note that Albers, Mazzola and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for sending an indicator (col. 8, lines 34-38, "tcap message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) from the database indication that the extra port is to be connected (col. 10, lines 27-39 and col. 11, lines 13-31 and Fig. 2, "calea module processor 54" and "data store 54", "administrative module 55", "communications module 53" and "interface module 51", all disclosing the "calea module processor" determining and sending an indicator to the interface module 51 indicating that the extra port "unit 0" is to be used for surveillance/monitoring, i.e., is to be connected, wherein the "data store

54" may also contain a record of such "signaling messages"; also see col. 8, lines 53-55, disclosing "delivery of ... call-identifying information to a law enforcement agency").

4. **As to Claim 7**, please note that Albers, Mazzola and Benitez Pelaez teach and disclose the arrangement as in the parent claim 5.

Albers further discloses further comprising means for setting up a three-part conference (col. 8, lines 41-48, disclosing the "Arlington 5ess" switch, i.e., the media handling node, setting up a three-part conference between subscriber "126 684-1111", subscriber "target 112 222-1111" and "FBI") between the two involved subscribers (Fig. 1, subscriber "126 684-1111" and subscriber "target 112 222-1111") and a monitoring facility (Fig. 1, "FBI").

5. **As to Claim 1**, please see rejection for Claim 5, which recites the same limitations.

6. **As to Claim 2**, please see rejection for Claim 6, which recites the same limitations.

7. **As to Claim 3**, please note that Benitez Pelaez, Mazzola and Albers disclose and teach the arrangement as in the parent claim 2.

Albers further discloses whereby the indicator (col. 8, lines 34-38, "tcap message" sent by the scp to the Arlington 5ess switch, which causes the 5ess switch to begin surveillance of the session, i.e., indicator to connect extra port and begin monitoring session) is sent from the database to the media-handling node (col. 8, lines 34-38, "tcap message is sent from the scp, i.e., the "database", to the Arlington 5ess switch, i.e., the media handling node).

8. **As to Claim 4**, please see rejection for Claim 7, which recites the same limitations.

9. **As to Claim 8**, please see rejection for Claim 2 (which depends from and incorporates its parent claim 1), which recites the same limitations.

10. **As to Claim 9**, please see rejection for Claim 6 (which depends from and incorporates its parent claim 5), which recites the same limitations.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHENG whose telephone number is (571)272-9021. The examiner can normally be reached on M-Th, 8:00AM - 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on (571)272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C./
Examiner, Art Unit 2463

/Derrick W Ferris/
Supervisory Patent Examiner, Art Unit 2463